

**MINUTES  
OF THE REGULAR MEETING OF THE  
EDINA CITY COUNCIL  
HELD AT CITY HALL  
OCTOBER 19, 2010  
7:07 P.M.**

**ROLLCALL** Answering rollcall were Members Bennett, Brindle, Housh, Swenson and Mayor Hovland.

**CONSENT AGENDA ITEMS APPROVED** Motion made by Member Swenson and seconded by Member Housh approving the Council consent agenda with the exception of Items III.B., Reject All Bids, Exterior Improvements, Braemar Arena; IV.D., Traffic Safety Report of October 6, 2010; And IV.F., Resolution No. 2010-110 Accepting Right-Of-Way Acquisition Offer from Mn/DOT for TH169/I-494 Interchange Project.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**COMMISSIONER CALLISON PRESENTATION** Hennepin County Commissioner Callison provided an update on the County's 2011 budget reductions, the resulting impact to services, and that Hennepin County's maximum levy increase was .72%. The Council asked questions of Ms. Callison and requested the budget information be provided for posting to the City's website.

**2010 POLARIS LEADERSHIP AWARD** Public Works Director/City Engineer Houle reviewed the contribution of Rebecca Foster, GIS Administrator in creating GIS information allowing Edina to create an asset management system for a variety of uses including Public Safety.

Rebecca Blue, SEH, Inc., described the work of the Minnesota GIS Consortium, reported Rebecca Foster's professional contributions, and stated it was an honor to present Ms. Foster with the 2010 Polaris Leadership Award. Ms. Foster accepted the award and thanked Mr. Houle and the City for the opportunity to work with the GIS Consortium.

**RESOLUTION NO. 2010-90 ADOPTED – YOUTH EXCHANGE STUDENTS WELCOMED** Mayor Hovland read in full a resolution welcoming foreign youth exchange students to the City of Edina. **Member Brindle introduced and moved adoption of Resolution No. 2010-90, welcoming youth exchange students.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

Mayor Hovland invited host families and foreign exchange students to introduce themselves.

Peter and Heather Haen Anderson, 6237 Knoll Drive, stated they were a host family for a student from Belgium. Felix Spirlet stated he was having a great time attending school in Edina

Phil Johnson and his daughter Taylor stated they were a host family for a student from Beijing, China. Ben Lou stated it was his honor to be here and he was working to improve his English.

Nan Denan stated she was a host family for her nephew who had relocated from Thailand and believed that the Edina High School had a world renowned reputation. Nat Tan Denan thanked the City.

**HEALTH AND ART MONTH PROCLAIMED** Mayor Hovland read in full a proclamation declaring November 2010 to be Arts and Healthcare Awareness month. **Member Swenson made a motion, seconded by Member Brindle, adopting a proclamation declaring Arts and Healthcare Awareness month in Edina.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

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Motion carried.

Lisa Diehl, 5301 Ayrshire Boulevard, on behalf of the Edina Art Center Board and Fairview Auxiliary, thanked the City for this recognition. She recognized those in the medical care industry, Lois Ring for her contribution, Bill McCabe, Renee Usem, Ruth Valgemae and Jini Washburn of the Edina Art Center Board, Bernie Amacher and Betty Hemstad of the Public Art Committee, and Deanna Carlson of the Fairview Auxiliary, as well as Diana Hedges, Art Center Director and other City staff for its assistance to promote the November 4, 2010, Taste of Creativity event.

**\*MINUTES APPROVED – REGULAR MEETING OF OCTOBER 5, 2010, AND WORK SESSION OF OCTOBER 5, 2010** Motion made by Member Swenson and seconded by Member Housh approving the minutes of the regular meeting of October 5, 2010, and work session of October 5, 2010.

Motion carried on rollcall vote – five ayes.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – AQUATIC WEEDS – IMPROVEMENT NO. AQ-10 – RESOLUTION NO. 2010-98 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Director of Parks and Recreation Keprios presented the proposed special assessments for aquatic weed treatment of Arrowhead Lake, Indianhead Lake, and Minnehaha Creek Mill Pond. The proposed assessment per home for each of the 37 Arrowhead Lake residents was \$445.81, the 33 Indianhead Lake residents was \$440.96, and the 63 Minnehaha Creek mill pond residents was \$223.75. He reported that each assessment included a \$3.00 per-property administrative fee with a one-year assessment term.

The Council asked questions of staff regarding the two-week delay in mechanical weed removal. Park Superintendent Cockriel commented on the difficulty the contractor encountered during this year's weed cutting, but noted this contractor had been used previously and had done well.

Mayor Hovland opened the public hearing at 7:44 p.m.

### Public Testimony

Susan Green, 4903 Sunnyside Road, addressed the Council and stated she was contesting their assessment on the aquatic weed removal on the Mill Pond due to not receiving benefit because the lily pads were not removed.

Richard Holetz, 4905 Sunnyside Road, addressed the Council and stated he contested the Millpond assessment due to not receiving benefit because the lily pads were not removed.

**Member Housh made a motion, seconded by Member Brindle, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council discussed issues raised during public testimony regarding areas of the Mill Pond not treated because lily pads were a DNR protected species. Mr. Keprios and Mr. Cockriel explained the City's philosophy that the Mill Pond was a treasure, and any weed removal was of benefit to all homeowners on the Mill Pond. Mr. Cockriel stated the issue with the north end was not only lily pads but the depth of the water was too shallow for the weed cutter. Mr. Keprios cautioned against establishing a precedent of waiving an assessment for several homeowners because it would raise other subjective considerations, such as clarity of water. The Council considered whether aquatic weed treatment of a public water channel should be assessed to private property owners and asked whether the City could work with Minnehaha Creek Watershed District (MCWD) to determine whether the Mill Pond could be deepened. Mr. Houle advised that the Mill Pond was a manmade water body lined with a layer of clay that should not be breached. He stated staff could work with the MCWD regarding any dredging. The Council discussed

future options available to open a navigable channel, different methods of assessments and requested that residents be surveyed to measure support among affected residents for future aquatic weed treatment. **Member Bennett introduced and moved adoption of Resolution No. 2010-98, levying special assessments for Improvement No. AQ-10 Aquatic Weeds.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – WEED CUTTING – IMPROVEMENT NO. WD-10 – RESOLUTION NO. 2010-99 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Mr. Keprios described the process used by the City to notify property owners when weeds were in violation of ordinance standards. He presented the special assessments to nine properties for weed cutting services. It was noted that each assessment included a \$30 per property administrative fee, and a one-year assessment was proposed. Mr. Cockriel explained how the City became aware of weed violations.

Mayor Hovland opened the public hearing at 8:06 p.m.

**Public Testimony**

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2010-99, levying special assessments for Improvement No. WD-10 Weed Mowing.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SPECIAL ASSESSMENT PUBLIC HEARING HELD – TREE REMOVAL – IMPROVEMENT NO. TR-10 – RESOLUTION NO. 2010-100 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Mr. Keprios described the process used by the City to notify property owners of diseased shade trees. He presented the special assessments for removal of eight diseased trees by private contractors. A one-year assessment was proposed if the assessment was under \$500, two years if between \$500 and \$1,000, and three years if higher than \$1,000 or upon request. Mr. Keprios explained that each assessment included a \$30 per property administrative fee.

Mayor Hovland opened the public hearing at 8:10 p.m.

**Public Testimony**

Maureen Robinson, 5800 York Avenue S., addressed the Council and objected to the assessment stating the previous owner should have paid the assessment.

Mr. Keprios reviewed staff's attempts to contact the property owner of 5800 York Avenue. Mr. Keprios stated this cost had been listed as a pending assessment at the time of sale. Attorney Knutson advised the property owner had 30 days to pay the assessment before it would be certified to the County for collection. The Council suggested Ms. Robinson check with her title insurer.

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Travis Thompson, 6309 Brookview Avenue S., addressed the Council and stated his objection to the proposed assessment against his property.

Dean Swanson, 6313 Brookview Avenue S., addressed the Council and offered to pay one-half the cost to remove the tree located on his property line shared with 6309 Brookview Avenue S.

Mr. Keprios clarified that the cost to remove this diseased Elm tree had been split between 6309 and 6313 Brookview Avenue S. City Clerk Mangen advised that the notices were mailed to the property owners on a timely basis. Mr. Cockriel explained the process to contract for tree removal, notification process, and required timing to assure the disease would not spread.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2010-100, levying special assessments for Improvement No. TR-10 Tree Trimming.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

## **SPECIAL ASSESSMENT PUBLIC HEARING HELD – GRANDVIEW BUSINESS DISTRICT – IMPROVEMENT NO. G-10 – RESOLUTION NO. 2010-101 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle presented the Grandview Business District Maintenance Assessment of .0508 cents per square foot, noting this annual assessment was lower than in past years. The Council commented about the need for weed removal.

Mayor Hovland opened the public hearing at 8:32 p.m.

### Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Bennett introduced and moved adoption of Resolution No. 2010-101, levying special assessments for Public Improvement G-10 Grandview Business District.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

## **SPECIAL ASSESSMENT PUBLIC HEARING HELD – 50<sup>TH</sup> & FRANCE BUSINESS DISTRICT – IMPROVEMENT NO. M-10 – RESOLUTION NO. 2010-102 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Mr. Houle presented the 50<sup>th</sup> and France Business District Maintenance Assessment of .7826 cents per square foot, noting this annual assessment was lower than in past years. He advised that staff remained in discussion with business owners regarding items in the master plan. The Council asked questions of Mr. Houle regarding the 2009 assessment costs that had included professional services for a long-term parking ramp study and streetscape master plan.

Mayor Hovland opened the public hearing at 8:36 p.m.

**Public Testimony**

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Housh, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Swenson introduced and moved adoption of Resolution No. 2010-102, levying special assessments for Public Improvement M-10 50<sup>th</sup> & France Business District.** Member Brindle seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – CERTIFICATION OF DELINQUENT UTILITIES – RESOLUTION NO. 2010-103**

**ADOPTED** Affidavits of Notice presented and ordered placed on file.

Finance Director Wallin presented the certification of delinquent utilities for 704 properties in the total amount of \$503,530.02. Each assessment included a \$30 per property administrative fee and a one-year assessment was proposed at 6.5% interest.

The Council recognized that one delinquency was for a commercial business and asked what methods were used to collect on an interim basis. Mr. Wallin stated delinquent notices were mailed with the quarterly billing, but collection of individual accounts was not pursued, and service was not shut off. He noted that 5% interest was charged on the unpaid balance on a quarterly basis. The Council expressed concern that delinquent utilities were a burden on the City's budget and considered whether the street address or name of the property owner should be included on the listing as an incentive to make payment. Mr. Wallin explained this was a public document and available for review, upon request. He suggested that large delinquencies be certified more often than once a year to create a lien on the property. The Council asked staff to provide a recommendation on accounts that should be certified more often, and whether property owner names should be included on the published delinquent list.

Mayor Hovland opened the public hearing at 8:53 p.m.

**Public Testimony**

No one appeared to comment.

**Member Swenson made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**Member Brindle introduced and moved adoption of Resolution No. 2010-103, authorizing the Certification of Delinquent Utility Charges DU-10 to the Hennepin County Auditor.** Member Swenson seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – FINAL DEVELOPMENT PLAN – VELMEIR COMPANIES/CVS PHARMACY, 6905 YORK AVENUE – RESOLUTION NO. 2010-104 ADOPTED** Affidavits of Notice presented and ordered placed on file.

Planning Director Presentation

Planning Director Teague presented the Final Development Plan for Velmeir Companies to construct a 15,000 square-foot CVS Pharmacy at 6905 York Avenue with a drive-through facility. He noted that in 2008, the Council had approved a Final Development Plan for two buildings that included two variances for this property. The proponent was requesting an Amendment to the Final Development Plan to construct one 14,492 square-foot building rather than two buildings totaling 18,000 square feet and to allow a drive-through facility, which had been specifically prohibited in the previous plan. Mr. Teague presented the site plan and advised of recommendations made by the Planning Commission that had been incorporated by the proponent. He stated staff and the Planning Commission recommended approval of the revised Final Development Plan subject to the findings and eight conditions set forth in the September 29, 2010, staff report. It was noted that the Transportation Commission also recommended approval subject to prohibiting CVS trucks from traveling down 70<sup>th</sup> Street.

Proponent Presentation

Gordon Johnson, Thomson & Nybeck, representing Velmeir Companies, introduced the development team in attendance. He reviewed their work with the Planning Commission and staff to tweak the original plan to create an “enhanced CVS design” that fit the needs of the community and complied with the City’s request to bring the building out to the street front on York Avenue and 69<sup>th</sup> Street while remaining pedestrian friendly.

Kevin McGee, Velmeir Companies, thanked City staff for its assistance and presented a “fly by” that depicted the proposed CVS Pharmacy, signage, the drive-through, separated parking areas, mounted crosswalk, and landscaping. The Council reviewed the site plan and asked questions of Mr. McGee regarding weekly and local vendor deliveries. Mr. McGee described pedestrian connections to and from the sidewalk, points of vehicle access, and areas for proof of parking. He reviewed the building materials board and advised that the building’s glass would be clear in color.

The Council discussed whether the drive-through window could be limited to pharmacy only drop-off and pick-up. Mr. Johnson stated he had never seen a drug store drive-through used for anything but drug prescriptions and they anticipate that two vehicles per hour would use the drive-through. Michael Spack, Spack Consulting, reviewed the traffic studies conducted that included drug store drive-through windows, and finding that the maximum number of stacked cars during evening rush hour was three. The Council considered the anticipated on-site traffic circulation pattern, turning movements to West 69<sup>th</sup> Street, and asked questions of Mr. Johnson and Mr. McGee. It was noted this CVS store would be open 24 hours a day, but the pharmacy’s hours would not be 24 hours per day. With regard to site maintenance, Mr. McGee advised the landscaping would be well maintained, irrigated, and the store manager would police the parking lot to assure there was no debris.

Mayor Hovland opened the public hearing at 9:30 p.m.

Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Swenson, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland  
Motion carried.

The Council further discussed the potential for vehicles to stack at the drive-through beyond the site and onto a public roadway, which would be a safety concern. It was considered that perhaps the code should

specify the number of stacking spaces depending on the product being vended. Attorney Knutson reviewed the code's current stacking limitation based on property use, which could be expanded. Staff noted that a competitive pharmacy was in the near area and its drive-through was not restricted to pharmacy only business. **Member Housh introduced and moved adoption of Resolution No. 2010-104, approving a revised final development plan at 6905 York Avenue for CVS Pharmacy based on the following findings:**

- 1. The proposal would meet the required standards and ordinances for a Final Development Plan.**
- 2. Spack Consultants conducted a traffic impact study, and concluded that the existing roadway system could support the proposed project.**

**And subject to the following conditions:**

- 1. Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions below:**
  - **Site plan date stamped September 15, 2010.**
  - **Grading plan date stamped September 15, 2010.**
  - **Landscaping plan date stamped September 15, 2010.**
  - **Building elevations date stamped September 15, 2010.**
  - **Building materials board, including colors, presented to the City Council on October 19, 2010.**
- 2. Prior to the issuance of a building permit, a final landscape plan must be submitted, subject to staff approval. Additionally, a performance bond, letter of credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures.**
- 3. The property owner is responsible for replacing any required landscaping that dies.**
- 4. Submit a copy of the Nine Mile Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.**
- 5. Submit a copy of the Hennepin County access permit which is required for the curb cut to York Avenue.**
- 6. Compliance with the conditions required by the Transportation Commission.**
- 7. Compliance with the conditions required by the City Engineer in his memo dated September 24, 2010.**
- 8. Execution of a proof-of-parking agreement.**

Member Brindle seconded the motion.

The Council noted the drive-through was an accessory use and discussed whether it could be tied to the principal use. Attorney Knutson advised that was already a function of the code requirement. Member Housh called the question.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**PUBLIC HEARING HELD – PRELIMINARY DEVELOPMENT PLAN AND PRELIMINARY REZONING – YMCA, 7355 YORK AVENUE – RESOLUTION NO. 2010-105 ADOPTED – REZONING ORDINANCE NO. 850-A-35 GRANTED FIRST READING** Affidavits of Notice presented and ordered placed on file.

#### Planning Director Presentation

Mr. Teague presented the Preliminary Rezoning and Preliminary Development Plan to construct a 15,300 square-foot addition to the existing YMCA at 7355 York Avenue. He noted that a year ago the Council had approved a Comprehensive Plan Amendment to Mixed Use, Preliminary Rezoning to MDD5, and Preliminary Site Plan to construct a YMCA and 4-story 130-unit apartment. However, the YMCA had abandoned those plans and was now proposing an addition to the existing building. Mr. Teague displayed the site plan and explained the request before the Council was Preliminary Development and Preliminary Rezoning. If approved, a Final Development Plan and Final Rezoning would come before the Council. Mr. Teague noted that four affirmative votes were required since the property was currently zoned R-1. He

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reported the site plan concerns discussed by the Planning Commission to provide a safe pedestrian connection and the requested reconfiguration of the east parking lot to reverse the design.

Mr. Teague indicated the Planning Commission recommended approval subject to the findings and conditions set forth in the September 29, 2010 staff report. In addition, the Planning Commission added a condition that the proponents consider improvements to traffic flow, parking lot design, pedestrian connectivity, bus drop off, and bike space as part of the Final Development Plan. It was noted that the Final Development Plan would need to meet Edina Code requirements so a variance would not be necessary. Mr. Teague reviewed the current and proposed rezoning request and stated the Planning Commission and staff believed the rezoning request was appropriate since the use was consistent with surrounding uses and the YMCA had been in existence since the early 1970s.

### Proponent Presentation

Anita Lancello Bydlon, YMCA Vice President of Property Management and New Development, stated the YMCA had been working on a revitalization plan for about ten years and accepted the recommendations of the Planning Commission. She advised of the market study completed to identify community needs and positive feedback received at informational meetings.

Greg Fenton, BWBR Architects, displayed the floor plans and described uses within the renovated building. He presented exterior building elevations and reviewed the building materials. Mr. Fenton stated the YMCA looked forward to working with staff to address the five conditions recommended by the Planning Commission.

The Council discussed site and building features and asked questions of Mr. Fenton. Suggestions were made to consider including a covered drop-off access, conveniently located bicycle racks, additional parking lot landscaping and/or rain gardens, and to increase the number of handicapped parking spaces. With regard to the bus stop, Mr. Teague explained staff would work with Metro Transit to assure a pedestrian-friendly location. Mr. Fenton reviewed the planned revisions to widen the access lane and indicated that pedestrian walks were incorporated into the parking lot.

Mayor Hovland opened the public hearing at 10:16 p.m.

### Public Testimony

No one appeared to comment.

**Member Brindle made a motion, seconded by Member Bennett, to close the public hearing.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

The Council discussed the necessity and cost/benefit ratio of the rezoning, noting the YMCA was a permitted use in MDD. Mr. Teague agreed it was permitted in MDD and while that received preliminary approval, the project did not proceed to final approval so the site remained zoned as R-1. If the site were rezoned to MDD5, it would be entitled to uses permitted within that district which included more intense commercial. By rezoning to POD, the health club was permitted, and office would be allowed. Mr. Teague stated the Comprehensive Plan guided this property for mixed use, which would include residential and commercial. It was noted one Planning Commissioner had supported this application because of the less intense usage proposed. **Member Swenson introduced and moved adoption of Resolution No. 2010-105, approving a preliminary development plan for the YMCA site at 7355 York Avenue, based on the following findings:**

- 1. The rezoning is consistent with the Comprehensive Plan which designates the site for Mixed Use.**
- 2. The City would benefit from a new and improved YMCA facility, and the site would continue with a use that has existed since the early 1970s.**



3. The existing roadways would support the proposed project.

And subject to the following conditions:

1. The final development plan must be generally consistent with approved preliminary development plans dated August 27, 2010, and meet all minimum requirements per Section 850.04.
2. The final landscape plan must meet all minimum landscaping requirements per Section 850.04 of the Zoning Ordinance.
3. Compliance with the conditions required by the Transportation Commission.
4. Compliance with all of the conditions outlined in the City Engineer's memo dated September 24, 2010; including the addition of a pedestrian connection from York Avenue to the front entrance within the west parking lot, a revised drive-aisle entrance, and revised circulation pattern in the east parking lot.
5. Improvements to traffic flow, parking lot design, pedestrian connectivity, bus drop off, and bike space must be considered as part of their final development plan.

And to grant First Reading of Rezoning Ordinance No. 850-A-35. Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*AWARD OF BID – TRUCK MOUNTED AERIAL DEVICE – PARK MAINTENANCE DEPARTMENT** Motion made by Member Swenson and seconded by Member Housh awarding the bid for truck mounted aerial device, Edina Park Maintenance Department to the recommended low bidder, Dueco, Inc. at \$77,219.

Motion carried on rollcall vote – five ayes.

**REJECT ALL BIDS – EXTERIOR IMPROVEMENTS – BRAEMAR ARENA** The Council asked questions of Mr. Keprios regarding the extent of the proposed exterior improvements. Mr. Keprios stated staff would reprioritize project needs because some may be higher than the proposed exterior improvements to the Arena. **Member Brindle made a motion, seconded by Member Swenson, rejecting the bids for exterior improvements, Braemar Arena.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*AWARD OF BID – TWO PORTABLE EMS ULTRASOUND SYSTEMS – EDINA FIRE DEPARTMENT** Motion made by Member Swenson and seconded by Member Housh awarding the bid for portable EMS ultrasound systems to the recommended low bidder, SonoSite at \$20,000.

Motion carried on rollcall vote – five ayes.

**SALE OF BONDS, \$9,225,000 G.O. CAPITAL IMPROVEMENT PLAN BONDS, SERIES 2010A – RESOLUTION NO. 2010-106 ADOPTED** Mark Ruff, Ehlers & Associates, presented the Series 2010A bonds that would refinance City Hall, noting it would save the City \$1 million over the next ten years. He reported that five bids were received and recommended award to the low bidder, Piper Jaffray, at a true interest rate of 1.9%. The Council thanked Ehlers' staff for its recommendation to refinance City Hall and City staff for its efforts to assure the City maintained its AAA bond rating. **Member Swenson introduced and moved adoption of Resolution No. 2010-106 authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$9,225,000 general obligation capital improvement plan bonds, Series 2010A.** Member Housh seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**SALE OF BONDS, \$2,595,000 G.O. BONDS, SERIES 2010B – RESOLUTION NO. 2010-107 ADOPTED** Mr. Ruff presented the Series 2010B general obligation bonds that would finance street improvements and capital equipment acquisition. He advised that both Moody's and Standards and Poors had affirmed the City's AAA rating, which was a rarity in Minnesota. Mr. Ruff reported that three bids were received and recommended

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award to Beard of Milwaukee, at a true interest rate of 2.3098%. **Member Brindle introduced and moved adoption of Resolution No. 2010-107, authorizing issuance, awarding sale, prescribing the form and details and providing for the payment of \$2,595,000 general obligation bonds, Series 2010B.** Member Swenson seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**RESOLUTION NO. 2010-108 ADOPTED – ACCEPTING VARIOUS DONATIONS** Mayor Hovland explained that in order to comply with State Statutes; all donations to the City must be adopted by Resolution and approved by four favorable votes of the Council accepting the donations. The Council expressed its appreciation to Dow Water Solutions for its generous \$5,000 donation to the Edina Fire Department. **Member Bennett introduced and moved adoption of Resolution No. 2010-108, accepting various donations.** Member Housh seconded the motion.

Rollcall:

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**TRAFFIC SAFETY REPORT OF OCTOBER 6, 2010 REVISED AND ACCEPTED** The Council and Mr. Houle discussed the Section B1 recommendation for denial of the request to ban all large trucks from Gleason Road north of West 78<sup>th</sup> Street for lack of City Code. The Council agreed to clarify the report language to indicate the reason for denial was the State Aid designation, not lack of City Code. **Member Bennett made a motion, seconded by Member Swenson, accepting the October 6, 2010 Traffic Safety Report, as revised.**

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2010-109 ADOPTED – IMPROVEMENT PUBLIC HEARING DATE SET – (NOVEMBER 16, 2010) FOR RIDGE ROAD IMPROVEMENT NO. BA-384** Motion made by Member Swenson and seconded by Member Housh to adopt Resolution No. 2010-109, set a public hearing of November 16, 2010, for Ridge Road improvements, Improvement No. BA-384.

Motion carried on rollcall vote – five ayes.

**RESOLUTION NO. 2010-110 ADOPTED – RIGHT-OF-WAY ACQUISITION OFFER FROM MNDOT FOR TH169/I-494 INTERCHANGE PROJECT ACCEPTED** Mr. Houle provided an update on the project and explained the agreement included language that required the contractor to make repairs if the frontage road was damaged. **Member Swenson introduced and moved adoption of Resolution No. 2010-110, accepting right-of-way acquisitions offer from Mn/DOT for TH169/I494 Interchange Project, S.P. 2776-03.** Member Bennett seconded the motion.

Ayes: Bennett, Brindle, Housh, Swenson, Hovland

Motion carried.

**\*RESOLUTION NO. 2010-111 ADOPTED – PERMIT TO CONSTRUCT WITHIN CITY RIGHT-OF-WAY FOR TH169/I-494 INTERCHANGE PROJECT APPROVED** Motion made by Member Swenson and seconded by Member Housh to adopt Resolution No. 2010-111, approving temporary permit to construct TH169/I494 Interchange Project within City of Edina right-of-way.

Motion carried on rollcall vote – five ayes.

## **COMMUNITY COMMENT**

No one appeared to comment.

**\*CONFIRMATION OF CLAIMS PAID** Motion made by Member Swenson and seconded by Member Housh approving payment of the following claims as shown in detail on the Check Register dated October 7, 2010, and consisting of 31 pages: General Fund \$622,126.99; Communications Fund \$1,119.73; Working

Capital Fund \$108,865.75; Construction Fund \$3,760.56; Art Center Fund \$5,089.97; Golf Dome Fund \$1,251.58; Golf Course Fund \$13,419.39; Ice Arena Fund \$40,890.17; Edinborough/Centennial Lakes Fund \$19,275.41; Liquor Fund \$138,794.32; Utility Fund \$56,719.23; Storm Sewer Fund \$38,302.95; PSTF Agency Fund \$328.76; TOTAL \$1,049,944.81 and for approval of payment of claims dated October 14, 2010, and consisting of 29 pages: General Fund \$128,268.51; Communications Fund \$14,861.90; Police Special Revenue \$299.08; PIR Debt Service Fund \$2,390.00; Working Capital Fund \$3,024.37; Equipment Replacement Fund \$2,448.97; Art Center Fund \$522.22; Aquatic Center Fund \$3,309.64; Golf Course Fund \$20,011.23; Ice Arena Fund \$3,262.76; Edinborough/Centennial Lakes Fund \$16,207.67; Liquor Fund \$262,017.88; Utility Fund \$388,180.88; Storm Sewer Fund \$7,710.61; Recycling Fund \$18.00; PSTF Agency Fund \$11,378.53; TOTAL \$863,912.25; and, Credit Card Transactions dated August 26 – September 27, 2010; TOTAL \$10,087.46.

Motion carried on rollcall vote – five ayes.

There being no further business on the Council Agenda, Mayor Hovland declared the meeting adjourned at 10:51 p.m.

Respectfully submitted,

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Debra A. Mangan, City Clerk

Minutes approved by Edina City Council, November 1, 2010.

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James B. Hovland, Mayor

Video Copy of the October 19, 2010, meeting available.